

SENATE BILL 2168

By Bunch

AN ACT to repeal the current language of Tennessee Code Annotated, Section 17-1-301, and to revive the language of such section, as it existed on June 30, 1999, relative to judicial vacancies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. If and only if the judicial selection commission ceases to exist on June 30, 2009, pursuant to §§ 4-29-229(a)(47) and 4-29-112, then the current language of Tennessee Code Annotated, Section 17-1-301, is repealed and the language of such section, as it existed on June 30, 1999, is hereby revived, to wit as follows:

(a) Whenever a vacancy, either by death, resignation, or removal, shall occur in the office of a judge of the Supreme Court, Court of Appeals or Court of Criminal Appeals, circuit judge, or chancellor, or judge of a criminal court, or any court of record, the vacancy in such office shall be filled by the qualified voters of the whole state for judges of the Supreme Court, and of such judicial district for the other judges, at the next biennial election in August, occurring more than thirty (30) days after such vacancy, and in the meantime the governor shall appoint a person learned in the law and constitutionally qualified to discharge the duties of said office until such election can be had.

(b) If a vacancy shall occur in the office of a judge of the Supreme Court, Court of Appeals or Court of Criminal Appeals, it shall be filled from the grand division of the state in which the vacancy occurs.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.